

IN RE: PETITION FOR ZONING VARIANCE
N/S of Platinum Avenue, 72.5'
E of the c/l of Cherry Avenue
(804 Platinum Avenue)
15th Election District
5th Councilmanic District
John W. Myer, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-372-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two buildable lots of 50, feet in width in lieu of the minimum required 55 feet as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Buck Jones, Builder. There were no Protestants.

Testimony indicated that the subject property, known as 804 and 806 Platinum Avenue, is comprised of two lots each containing 7,500 sq.ft. and zoned D.R. 5.5. Said property is also known as Lots 55 and 56 of the Glasco subdivision which was recorded in 1924 with 50-foot wide lots. Said property is located within the Chesapeake Bay Critical Areas near Duck Creek.

Testimony indicated Petitioner's father purchased the subject property in the 1930s at which time Lot 55 was improved with a single family dwelling built in the 1920s and Lot 56 was and still is vacant. Said property was inherited by Petitioner approximately 5 years ago. Petitioners are desirous of constructing a new single family dwelling on Lot 56 in accordance with that depicted in Petitioner's Exhibit 1. Testimony indicated that there is no additional land available on either side of the subject property for petitioners to meet building lot width requirements. Mr. Myer testified that the subject property has been separately

described as two lots of record since May 1924 and has been assessed separately since his father's purchase of same in the 1930s. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioners further testified that the proposed improvements to Lot 56 can be developed in compliance with the requirements of Critical Areas legislation.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based

- 2 -

upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-372-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. To permit two 50 foot lot widths in lieu of the minimum 55 foot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
All lots in this subdivision are fifty feet wide and are developed as single family dwelling units. To deny a variance would cause this particular lot to be undevelopable.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ (Type or Print Name)
City and State _____ Signature _____
Attorney for Petitioner: _____
None 804 Platinum Avenue
(Type or Print Name) Address Phone No.
Signature _____ Baltimore, Maryland 21221
City and State _____
Address _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State _____ Buck Jones
Name _____
Attorney's Telephone No.: _____ 300 Sassafras Road 574-9337
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of March 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March 1990, at 11:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.
(over)

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1990 that the Petition for Zoning Variance to permit two buildable lots of 50 feet in width in lieu of the minimum required 55 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 26, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 4 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Shesley

SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 804 Platinum Avenue near Duck Creek. The site is within the Chesapeake Bay Critical Area and is classified as a Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. John W. Myer

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 1802.3.B of the Baltimore County Zoning Regulations to permit "two fifty foot lot widths in lieu of the minimum 55 foot".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." (COMAR 14.15.10.01.0)

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

March 29, 1990

Mr. & Mrs. John W. Myer, Jr.
9310 Philadelphia Road
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
N/S Platinum Avenue, 72.5' E of the c/l of Cherry Avenue
(804 Platinum Avenue)
15th Election District - 5th Councilmanic District
John W. Myer, Jr., et ux - Petitioners
Case No. 90-372-A

Dear Mr. & Mrs. Myer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Buck Jones
300 Sassafras Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File



Dennis F. Rasmussen
County Executive

ORDER RECEIVED FOR FILING
Date 3/30/90
By J. Robert Haines

7:11K - 1 hr.
arrived anytime
11/11/90

**FREE-STATE
CONTRACTORS
INCORPORATED**

300 SASSAFRAS ROAD • BALTIMORE, MARYLAND 21221 • 574-9337

90-372-A



PLATINUM AVENUE

THE DESCRIPTION

Beginning at a point on the north side of Platinum Avenue which is 40 feet wide at the distance of 72.5 feet east of the center line of the nearest improved intersecting street, Cherry Avenue, which is 35 feet wide, being lot 56 in the subdivision of Glasco as recorded in Baltimore County Plat Book 7, Folio 115, containing 7,500 square feet, also known as 804 Platinum Avenue and located in the 15th election district.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3/12/90



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Mr. Myer:

Please be advised that \$167.92 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3/12/90



Dennis F. Rasmussen
County Executive

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

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Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: MEYER, JOHN W. MYER, JR. ADDRESS: 9310 PALLA ROAD 21237
BUCK JONES 300 SASSA PARS RD 21221
Buck Jones General Contractors, Inc.

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 13, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Variance to permit two 50 ft. lot widths in lieu of the minimum 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John W. Myer, Jr.
File
Buck Jones

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

March 1, 1990

THIS IS TO CERTIFY, that the annexed advertisement of John W. Myer, Jr., in the matter of Petition for Zoning Variance of 804 Platinum Ave, Case # 90-372-A, P.O. # 0102747, Reg. # M39844, 77 lines @.55 or \$42.35

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive week(s) before the 2 day of March 1990.

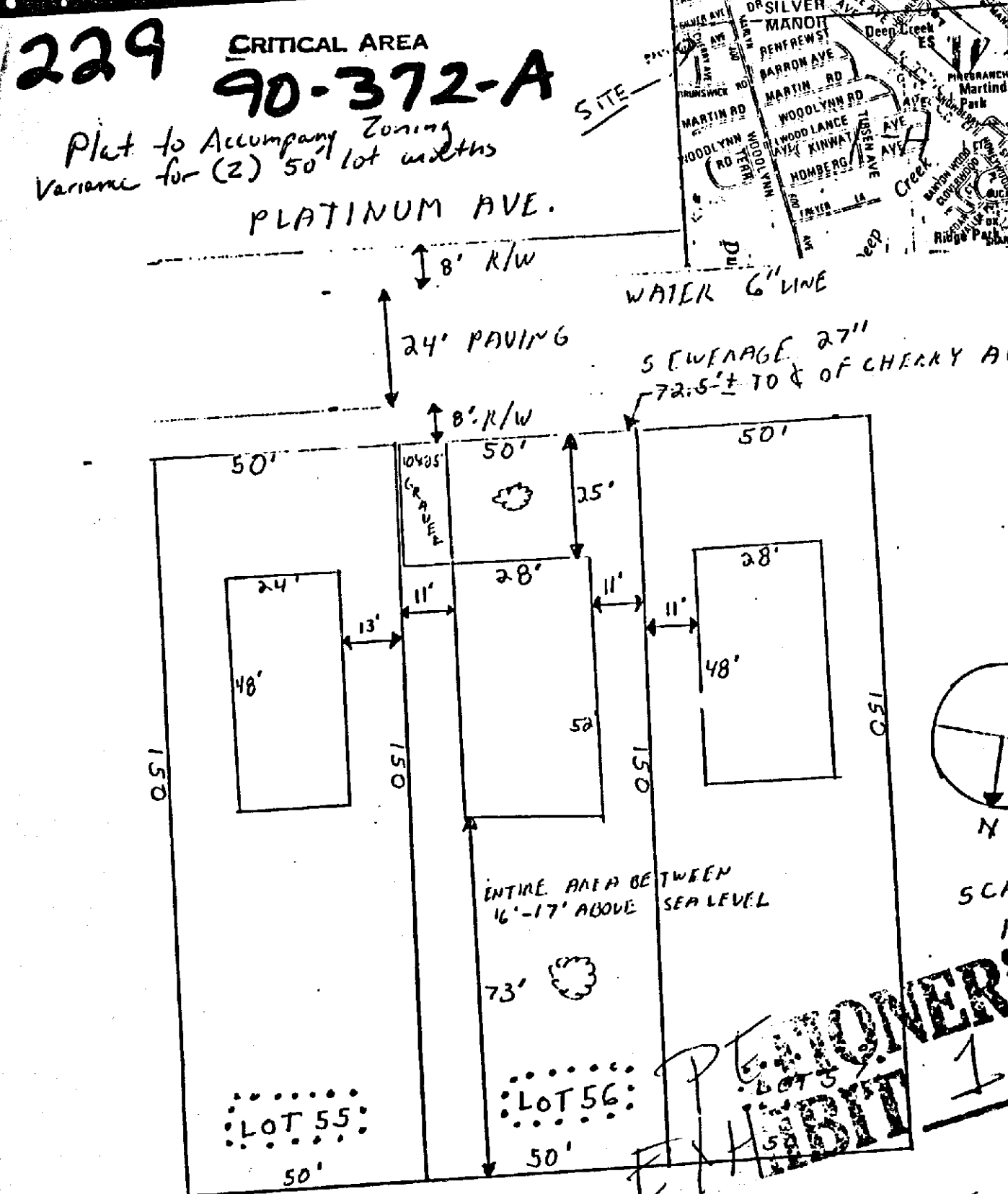
that is to say, the same was inserted in the issues of March 1, 1990.

The Avenue Inc.

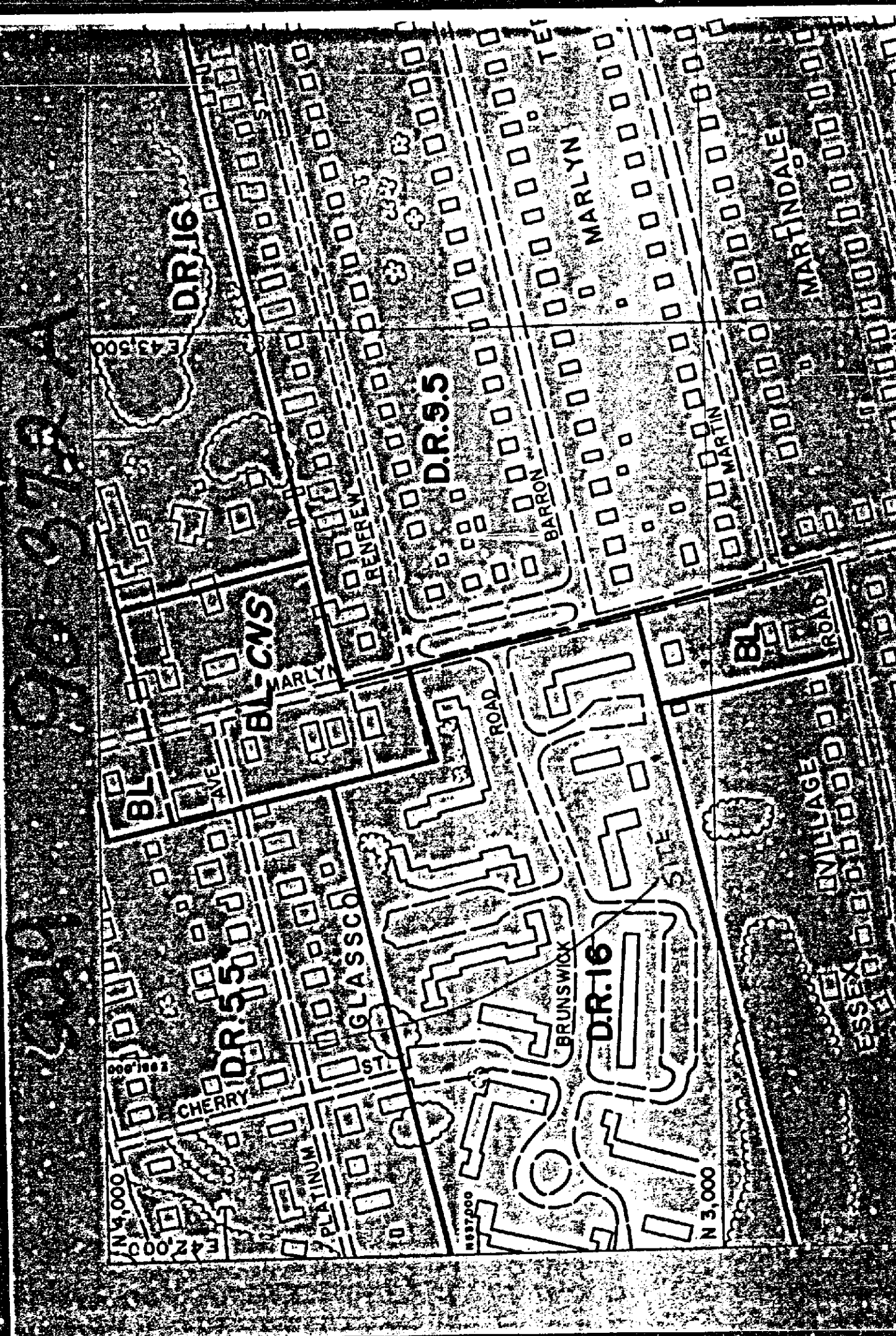
per publisher

By Diane Holdwell

Notice of Hearing
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N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING DATE: TUESDAY, MARCH 27, 1990 at 11:30 a.m.
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.



JOHN W. MYER JR. OWNER TWO TIPS TO BE PLANNED
DISTRICT 15 ZONED DA-5.5
SUBDIVISION - GLASSCO
OTS 56, 55 BOOTH 7, FOLIO 115
LISTING PUBLIC UTILITIES IN PLATINUM AVE.
IS PROPERTY IS IN THE CRITICAL AREA
LOT SIZE 7 AC. 17 (C)
IMPERVIOUS
SOIL TYPE
WATER TRACT
SUBSEWARD



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CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 1, 1990.

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1574 Date of Posting 3/10/90
Posted for Variance
Petitioner: John W. Myer, Jr.
Location of property N/S of Platinum Ave., 72.5' E of Cherry Ave.
804 Platinum Ave.
Location of Sign: Facing Platinum Ave. across S. Fr.
M. 21207 - a property of Baltimore
Remarks: M. 21207
Posted by M. 21207 Date of return 3/16/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Mr. Myer:

Please be advised that \$107.72 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$59.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 13, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
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Variance to permit two 50 ft. lot widths in lieu of the minimum 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John W. Myer, Jr.
File
Buck Jones



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: March 26, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 804 Platinum Avenue near Duck Creek. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. John W. Myer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.B of the Baltimore County Zoning Regulations to permit "two fifty foot lot widths in lieu of the minimum 55 foot".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." (COMAR 14.15.10.01.0)

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

RECEIVED
MAR 27 1990

ZONING OFFICE

Memo to Mr. J. Robert Haines
March 26, 1990
Page 2

Findings: These properties are located approximately 400 feet from the mean high water line of Duck Creek, therefore, no disturbance of the 100 foot buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." (Baltimore County Code Sec. 22-216)

Findings: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: March 26, 1990

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Memo to Mr. J. Robert Haines
March 26, 1990
Page 2

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Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 14th day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Long
Chairman,
Zoning Plans Advisory Committee

Petitioner: John W. Myer, Jr.

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 9, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John W. Myer, Jr., Item 229

The Petitioner requests a Variance to permit two 50 ft. lot widths in lieu of the required 55 ft.

Staff has the following comments on the above request.

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 804 Platinum Avenue near Duck Creek. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. John W. Myer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.B of the Baltimore County Zoning Regulations to permit "two fifty foot lot widths in lieu of the minimum 55 foot".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." (COMAR 14.15.10.01.0)

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Memo to Mr. J. Robert Haines
March 26, 1990
Page 2

Findings: These properties are located approximately 400 feet from the mean high water line of Duck Creek, therefore, no disturbance of the 100 foot buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." (Baltimore County Code Sec. 22-216)

Findings: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:MSB:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

March 14, 1990



Dennis F. Rasmussen
County Executive

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, MD 21221

RE: Item No. 229, Case No. 90-372-A
Petitioner: John W. Myer, Jr.
Petition for Zoning Variance

Dear Mr. Myer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

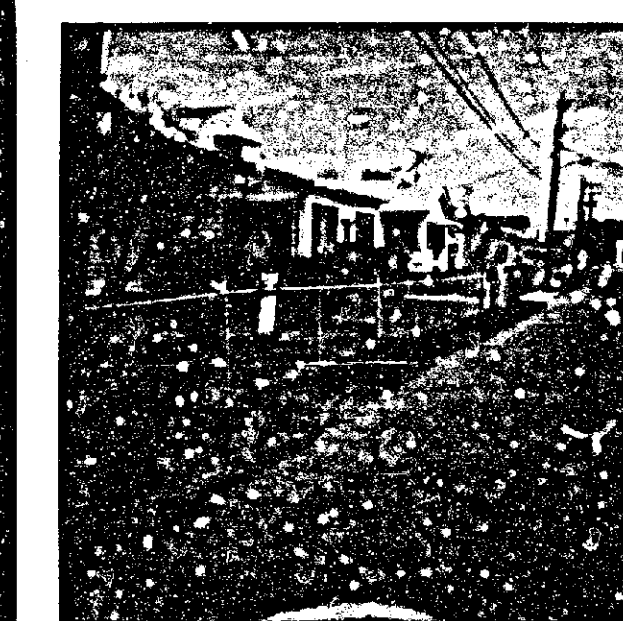
JED:jw

Enclosures

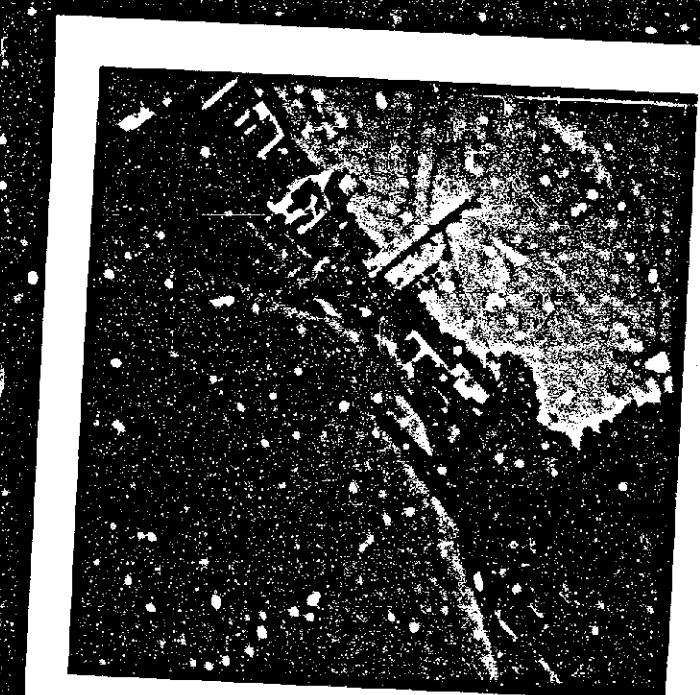
cc: Mr. Buck Jones
300 Sassafras Road
Baltimore, MD 21221



LOT (804 PLATINUM) PE 2A



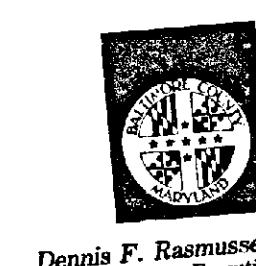
TO RIGHT OF LOT (FACING LOT) 2B



NEIGHBORHOOD FROM LOT - FACING MARLYN AVE 2C

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaleski, Jr.
Director

FEBRUARY 7, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN W. MYER, JR.
Location: #804 PLATINUM AVENUE
Item No.: 229 Zoning Agenda: FEBRUARY 13, 1990

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

Feb 12 1990

3-27-90

Ann,
The comments for Myer are not "signed" yet. Field inspections were done on the property and we feel confident of these "findings" as written. I will stop back at 11:30 to check with you.
Nancy
x 2904

Baltimore County Zoning Commissioner County Office Building 711 West Chesapeake Avenue Towson, Maryland 21204		Account # 001-6150 Invoice Number No. 9
Date	1/11/90	H700-207
PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (TRL)	2	\$35.00
LAST NAME OF OWNER: MYER	TOTAL:	\$70.00
Validation: B 014*****273015 214.5 Please make checks payable to: Baltimore County		

90-372-A #229
Important Note:
The petitioner was unaware that both lots, 55 + 56 need zoning variances. He thought it was necessary for just 56. This reflects in the property descriptors. Also, an attorney was advised.
Miles

IN RE: PETITION FOR ZONING VARIANCE
N/S of Platinum Avenue, 72.5'
E of the c/l of Cherry Avenue
(804 Platinum Avenue)
15th Election District
5th Councilmanic District
John W. Myer, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-372-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two buildable lots of 50 feet in width in lieu of the minimum required 55 feet as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Buck Jones, Builder. There were no Protestants.

Testimony indicated that the subject property, known as 804 and 806 Platinum Avenue, is comprised of two lots each containing 7,500 sq.ft. and zoned D.R. 5.5. Said property is also known as Lots 55 and 56 of the Glasco subdivision which was recorded in 1924 with 50-foot wide lots. Said property is located within the Chesapeake Bay Critical Areas near Duck Creek.

Testimony indicated Petitioner's father purchased the subject property in the 1930s at which time Lot 55 was improved with a single family dwelling built in the 1920s and Lot 56 was and still is vacant. Said property was inherited by Petitioner approximately 5 years ago. Petitioners are desirous of constructing a new single family dwelling on Lot 56 in accordance with that depicted in Petitioner's Exhibit 1. Testimony indicated that there is no additional land available on either side of the subject property for petitioners to meet building lot width requirements. Mr. Myer testified that the subject property has been separately

described as two lots of record since May 1924 and has been assessed separately since his father's purchase of same in the 1930s. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioners further testified that the proposed improvements to Lot 56 can be developed in compliance with the requirements of Critical Areas legislation.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based

- 2 -

upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

- 3 -

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-372-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. To permit two 50 foot lot widths in lieu of the minimum 55 foot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
All lots in this subdivision are fifty feet wide and are developed as single family dwelling units. To deny a variance would cause this particular lot to be undevelopable.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ (Type or Print Name)
City and State _____ Signature _____
Attorney for Petitioner: _____
None 804 Platinum Avenue
(Type or Print Name) Address Phone No.
Signature _____ Baltimore, Maryland 21221
City and State _____
Address _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State _____ Buck Jones
Name
Attorney's Telephone No.: _____ 300 Sassafras Road 574-9337
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of March 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March 1990, at 11:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.
(over)

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1990 that the Petition for Zoning Variance to permit two buildable lots of 50 feet in width in lieu of the minimum required 55 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 26, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

**FREE-STATE
CONTRACTORS
INCORPORATED**

300 SASSAFRAS ROAD • BALTIMORE, MARYLAND 21221 • 574-9337

PLATINUM AVENUE

THE DESCRIPTION

Beginning at a point on the north side of Platinum Avenue which is 40 feet wide at the distance of 72.5 feet east of the center line of the nearest improved intersecting street, Cherry Avenue, which is 35 feet wide, being lot 56 in the subdivision of Glasco as recorded in Baltimore County Plat Book 7, Folio 115, containing 7,500 square feet, also known as 804 Platinum Avenue and located in the 15th election district.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3/12/90



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Mr. Myer:

Please be advised that \$167.92 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3/12/90



Dennis F. Rasmussen
County Executive

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

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Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: MEYER, JOHN W. MYER, JR. ADDRESS: 9310 PALLA ROAD 21237
BUCK JONES 300 SASSA PARS RD 21221
Buck Jones General Contractors, Inc.

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 13, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Variance to permit two 50 ft. lot widths in lieu of the minimum 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John W. Myer, Jr.
File
Buck Jones

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

March 1, 1990

THIS IS TO CERTIFY, that the annexed advertisement of John W. Myer, Jr., in the matter of Petition for Zoning Variance of 804 Platinum Ave, Case # 90-372-A, P.O. # 0102747, Reg. # M39844, 77 lines @.55 or \$42.35

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive week(s) before the 2 day of March 1990.

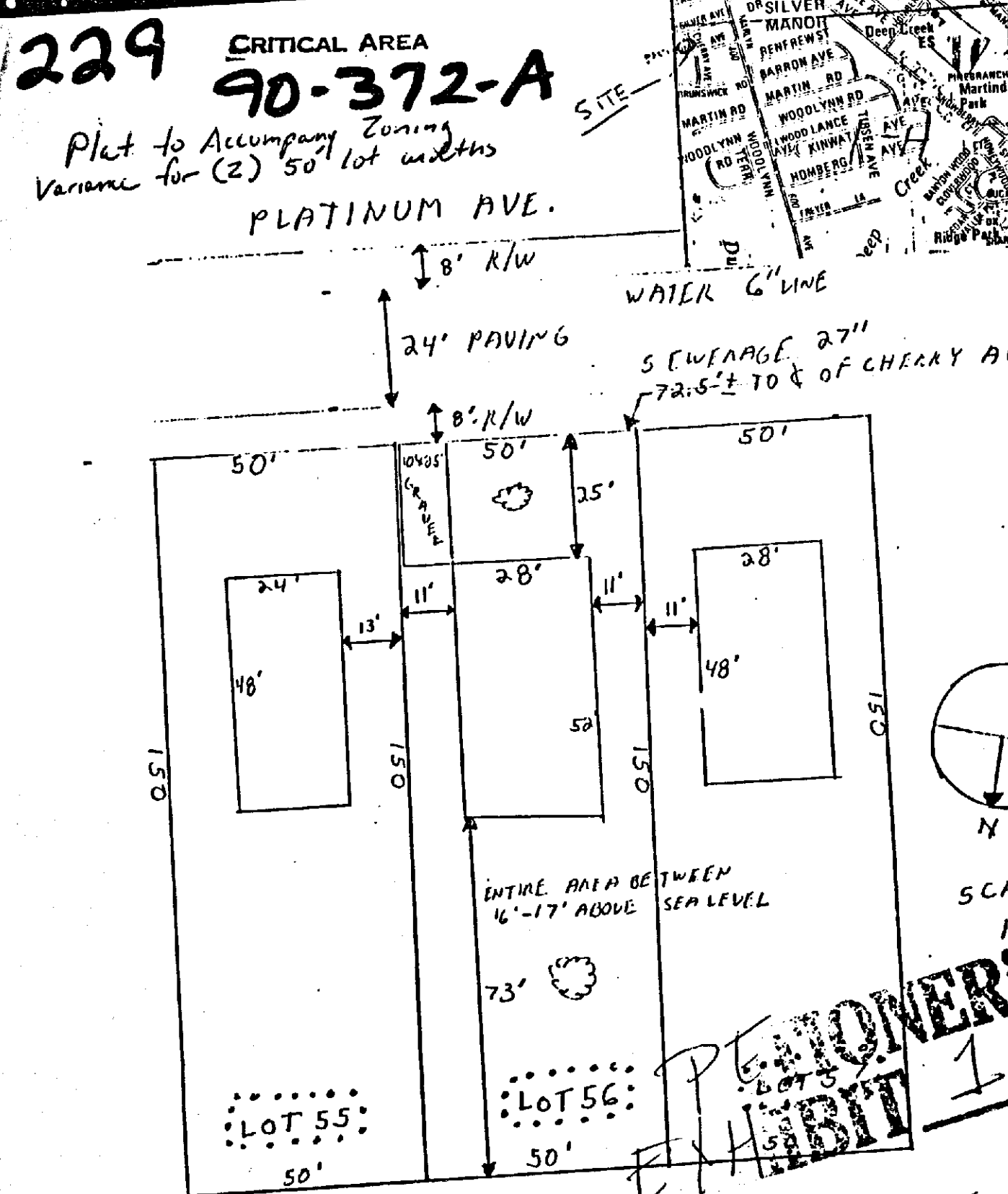
that is to say, the same was inserted in the issues of March 1, 1990.

The Avenue Inc.

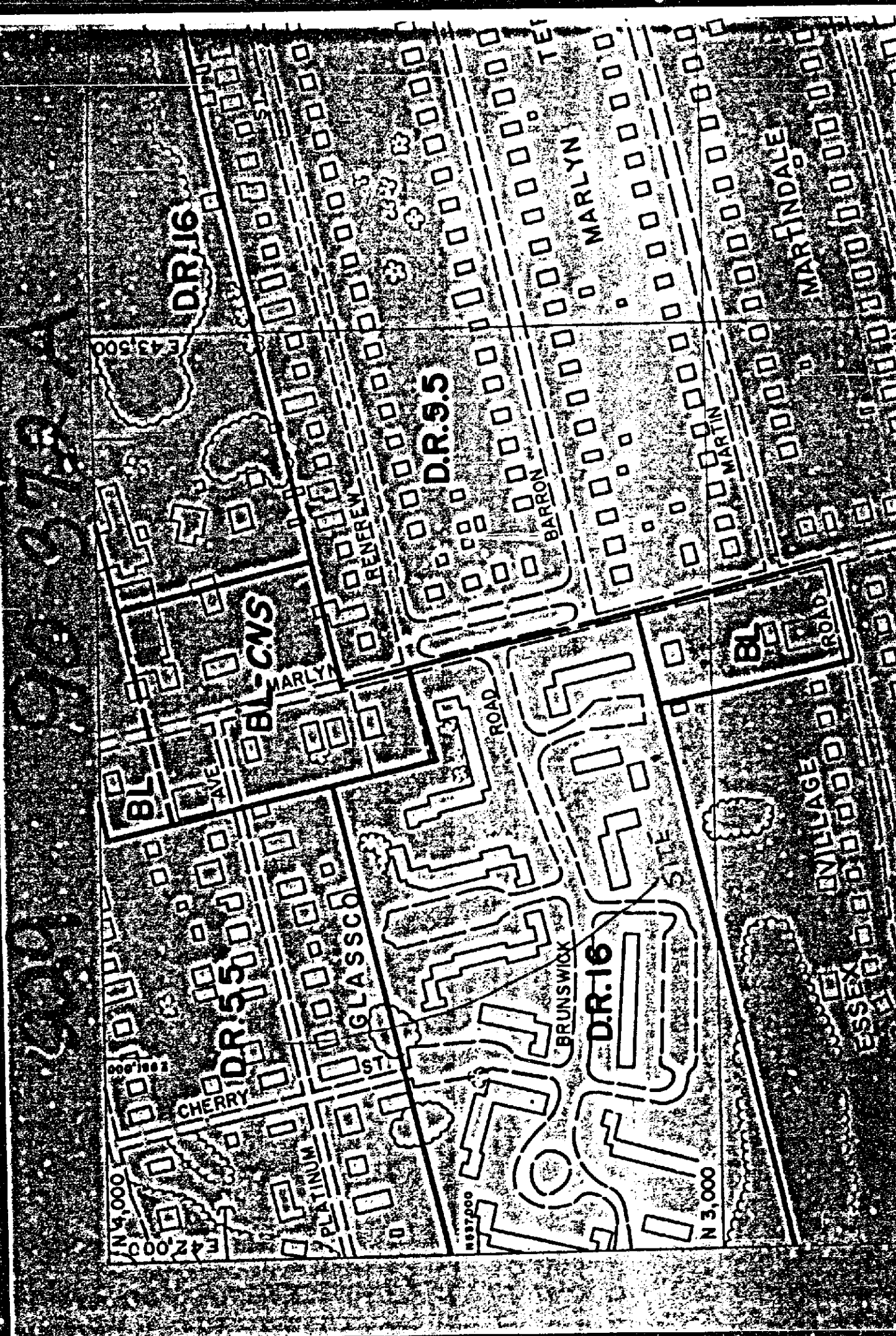
per publisher

By Diane Holdwell

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case Number: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING DATE: TUESDAY, MARCH 27, 1990 at 11:30 a.m.
Variance to permit two 50 ft. lot widths in lieu of the minimum 55 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.



JOHN W. MYER JR. OWNER TWO TIPS TO BE PLANNED
DISTRICT 15 ZONED DA-5.5
SUBDIVISION - GLASSCO
OTS 56, 55 BOOTH 7, FOLIO 115
LISTING PUBLIC UTILITIES IN PLATINUM AVE.
IS PROPERTY IS IN THE CRITICAL AREA
LOT SIZE 7 AC. 17 (C)
IMPERVIOUS
SOIL TYPE
WATER TRACT
SUBSEWARD



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case Number: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
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15th Election District - 5th Councilmanic
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HEARING DATE: TUESDAY, MARCH 27, 1990 at 11:30 a.m.
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CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 1, 1990.

THE JEFFERSONIAN,

S. Zabe Olin
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1574 Date of Posting 3/10/90
Posted for Variance
Petitioner: John W. Myer, Jr.
Location of property N/S of Platinum Ave., 72.5' E of Cherry Ave.
804 Platinum Ave.
Location of Sign: Facing Platinum Ave. across S. Fr.
M. S. 2007 - a property of Baltimore
Remarks: M. S. 2007
Posted by M. S. 2007 Date of return 3/16/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-372-A
N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
804 Platinum Avenue
15th Election District - 5th Councilmanic
Petitioner(s): John W. Myer, Jr.
HEARING: TUESDAY, MARCH 27, 1990 at 11:30 a.m.

Dear Mr. Myer:

Please be advised that \$107.72 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$59.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 13, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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N/S of Platinum Avenue, 72.5' E of c/l of Cherry Avenue
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J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John W. Myer, Jr.
File
Buck Jones



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

DATE: March 26, 1990

RECEIVED
MAR 27 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 804 Platinum Avenue near Duck Creek. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. John W. Myer

APPLICANT PROPOSAL

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GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." (COMAR 14.15.10.01.0)

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 14th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. H. P.
Chairman,
Zoning Plans Advisory Committee

Petitioner: John W. Myer, Jr.

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: March 26, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 804 Platinum Avenue near Duck Creek. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. John W. Myer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.B of the Baltimore County Zoning Regulations to permit "two fifty foot lot widths in lieu of the minimum 55 foot".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

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Memo to Mr. J. Robert Haines
March 26, 1990
Page 2

Findings: These properties are located approximately 400 feet from the mean high water line of Duck Creek, therefore, no disturbance of the 100 foot buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." (Baltimore County Code Sec. 22-216)

Findings: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

Memo to Mr. J. Robert Haines
March 26, 1990
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Mrs. Janice B. Outen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 9, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John W. Myer, Jr., Item 229

The Petitioner requests a Variance to permit two 50 ft. lot widths in lieu of the required 55 ft.

Staff has the following comments on the above request.

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 229
Myer Property
Chesapeake Bay Critical Area Findings

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APPLICANT'S NAME Mr. John W. Myer

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Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:MSB:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
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Mrs. Janice B. Outen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

March 14, 1990



Dennis F. Rasmussen
County Executive

Mr. John W. Myer, Jr.
804 Platinum Avenue
Baltimore, MD 21221

RE: Item No. 229, Case No. 90-372-A
Petitioner: John W. Myer, Jr.
Petition for Zoning Variance

Dear Mr. Myer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

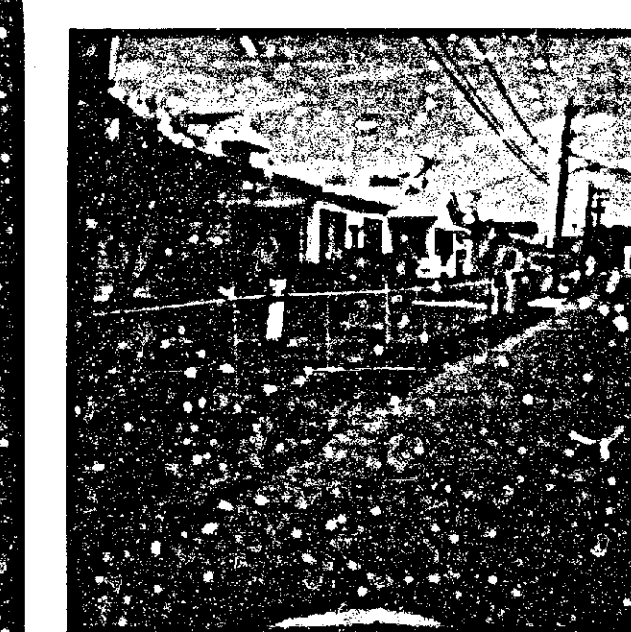
JED:jw

Enclosures

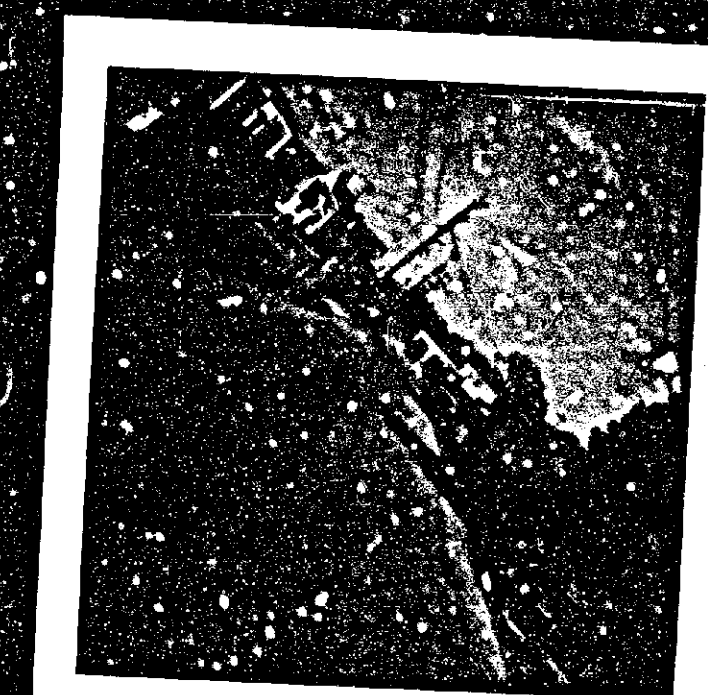
cc: Mr. Buck Jones
300 Sassafras Road
Baltimore, MD 21221



LOT (804 PLATINUM) PE 2A



TO RIGHT OF LOT (FACING LOT) 2B



NEIGHBORHOOD FROM LOT - FACING MARLYN PE 2C

90-372-A #229
Important Note:
The petitioner was unaware that both lots, 55 + 56 need zoning variances. He thought it was necessary for just 56. This reflects in the property descriptors. Also, an attorney was advised.
Miles

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaleski, Jr.
Director

FEBRUARY 7, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN W. MYER, JR.
Location: #804 PLATINUM AVENUE
Item No.: 229 Zoning Agenda: FEBRUARY 13, 1990

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

Feb 12 1990

Baltimore County Zoning Commissioner County Office Building 711 West Chesapeake Avenue Towson, Maryland 21204		Account # 001-6150 Invoice Number No. 9
Date 1/11/90	H700-207	
PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (TRL)	2	\$35.00
LAST NAME OF OWNER: MYER	TOTAL:	\$70.00
Validation: B 014*****273015-214.5 Please make checks payable to: Baltimore County		